

Attorney's Docket No.: 14083-004002

## Remarks

Reconsideration and allowance of the above referenced application are respectfully requested.

The claim objections, and rejections under section 112 have been obviated herein by amendment.

This leaves a number of rejections based on obviousness-type double patenting. Since the ownership of the subject matter is in dispute, a double patenting rejection appears to be inappropriate. The undersigned respectfully suggests that the appropriate patent office reaction to obviousness type double patenting, as well as same-invention type double patenting would be the patent office's institution of an interference.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Attorney's Docket No.:14083-004002

Applicant asks that all claims be allowed. It is believed no fee is due however, please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

8/23/05

Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070 telephone  
(858) 678-5099 facsimile

10544381.doc